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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

LESLIE ARTHUR BYRD,

Petitioner,

v.

ROBERT J. HERNANDEZ, WARDEN,

Respondent.

08-CV-0651 JM (AJB)

**RESPONDENT'S EX PARTE
APPLICATION FOR AN ORDER
EXTENDING THE TIME FOR HIM TO
RESPOND TO THE PETITION FOR
WRIT OF HABEAS CORPUS**

Magistrate Judge: The Honorable
Anthony J. Battaglia

TO THE HONORABLE COURT AND PETITIONER LESLIE ARTHUR BYRD,
APPEARING IN *PRO PER*:

Respondent R. J. Hernandez, Warden of Richard J. Donovan Correctional Facility at
Rock Mountain, respectfully applies for an extension of time through July 7, 2008, to file a
Motion to Dismiss, and through July 21, 2008 to file his Answer to the Petition for Writ of
Habeas Corpus in this matter. Respondent's Motion to Dismiss is currently due to be filed on or
before June 4, 2008, and his Answer is due to be filed on or before June 19, 2008.

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1 Good cause exists for the requested extensions of time, as set forth in the concurrently
2 filed declaration of Gregory J. Marcot. A proposed order granting the ex parte application is
3 being lodged together with this application.

4 Dated: June 2, 2008

5 Respectfully submitted,

6 EDMUND G. BROWN JR.
Attorney General of the State of California

7 DANE R. GILLETTE
Chief Assistant Attorney General

8 JULIE L. GARLAND
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9 HEATHER BUSHMAN
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10 /s/ Gregory J. Marcot

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13 GREGORY J. MARCOT
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15 GJM/scb

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Byrd v. Hernandez**

No.: **08-CV-0651 JM (AJB)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 2, 2008, I served the attached **RESPONDENT'S EX PARTE APPLICATION FOR AN ORDER EXTENDING THE TIME FOR HIM TO RESPOND TO THE PETITION FOR WRIT OF HABEAS CORPUS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

LESLIE ARTHUR BYRD
CDC # D-30420
RICHARD J. DONOVAN
CORRECTIONAL FACILITY AT ROCK
MOUNTAIN
P.O. BOX 799006
SAN DIEGO, CA 92179-9006

IN PRO PER

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 2, 2008, at San Diego, California.

S. Banks

Declarant



Signature